

Omelets, Etc., use  $\frac{1}{2}$  IXL Cooking Powder and  $\frac{1}{2}$  egg" and "Use one level teaspoonful for each egg called for in the recipe," were false and misleading and deceived and misled the purchaser into the belief that the article was a substitute for eggs and for shortening in cooking, whereas, in truth and in fact, it was not. Further misbranding was alleged in that the statements above quoted represented to the purchaser that the article was an egg substitute and contained ingredients and substances of the same composition as eggs, whereas, in truth and in fact, it was not such a substitute nor was the same so composed. Further misbranding of the article was alleged in that the statement on the label on the package containing the article, regarding the article, to wit, "Net Weight 6 Oz.," was false and misleading in that it represented to the purchasers that the package contained not less than 6 ounces of the article, whereas, in truth and in fact, it contained less than 6 ounces. Further misbranding of the article was alleged in that the article was food in package form, and the quantity of the contents was not plainly or conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On June 22, 1920, the defendant entered a plea of nolo contendere, and the court imposed a fine of costs.

E. D. BALL, *Acting Secretary of Agriculture.*

**\$115. Misbranding of olive oil. U. S. \* \* \* v. Antonious Deligiannis and Nick Deligiannis (Deligiannis Bros.). Plea of guilty. Fine, costs.**  
(F. & D. No. 11221. I. S. No. 2677-r.)

On February 6, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Antonious Deligiannis and Nick Deligiannis, trading as Deligiannis Bros., Chicago, Ill., alleging shipment by said defendants, on or about March 19, 1919, in violation of the Food and Drugs Act, as amended, from the State of Illinois into the State of Colorado, of a quantity of an article, labeled in part "Net Contents Two Quarts Pure Olive Oil Universal Deligiannis Bros," which was misbranded.

Examination of a representative sample of the article by the Bureau of Chemistry of this department showed that the average quantity of the contents of 8 cans was 1.836 quarts.

Misbranding of the article was alleged in the information in that the statement on the label on the can containing the article, to wit, "Net Contents Two Quarts," was false and misleading and deceived and misled the purchaser into the belief that each can contained not less than 2 quarts of the article, whereas, in truth and in fact, each can contained less than 2 quarts. Further misbranding was alleged in that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On March 23, 1920, the defendants entered a plea of guilty to the information, and the court imposed a fine of costs.

E. D. BALL, *Acting Secretary of Agriculture.*

**\$116. Adulteration and misbranding of Perfecto Horse and Mule Feed. U. S. \* \* \* v. Milam-Morgan Co. (Ltd.), a Corporation. Plea of guilty. Fine, \$10.** (F. & D. No. 11226. I. S. No. 17635-r.)

On January 24, 1920, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Milam-Morgan Co., Ltd., New Orleans, La., alleging shipment by said defendant, in violation of the Food and Drugs Act, on December 28, 1918, from the State

of Louisiana into the State of Georgia, of a quantity of an article, labeled in part "Perfecto Horse and Mule Feed," which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product contained 6.48 per cent of protein and 15.45 per cent of fiber. The ingredients were also incorrectly declared.

Adulteration of the article was alleged in the information in that certain substances, to wit, rice hulls, cottonseed hulls, peanut hulls, velvet bean meal, and oat hulls, had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength. Further adulteration was alleged in that certain substances, to wit, rice hulls, cottonseed hulls, peanut hulls, velvet bean meal, and oat hulls, had been substituted in whole or in part for horse and mule feed made from corn, oats, alfalfa, rice bran, brewers' grains, cane molasses, and salt, which the article purported to be.

Misbranding of the article was alleged in that the statements on the tag regarding the article, to wit, "Protein 9.00% \* \* \* Fibre 12.50%" and "Made from corn, oats, alfalfa, rice bran, brewers' grain, cane molasses and salt," were false and misleading and deceived and misled the purchaser into the belief that the article contained not less than 9 per cent of protein and not more than 12.50 per cent of fiber; whereas, in truth and in fact, the article contained less than 9 per cent of protein and more than 12.50 per cent of fiber, and the article was not made from the ingredients named on the tag, but was a mixture consisting of rice hulls, cottonseed hulls, peanut hulls, oat hulls, and velvet bean meal.

On June 9, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

E. D. BALL, *Acting Secretary of Agriculture.*

**8117. Misbranding of cottonseed meal or cake. U. S. \* \* \* v. Valley Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$50 and costs.**  
(F. & D. No. 11227. I. S. No. 11993-r.)

On January 23, 1920, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Valley Cotton Oil Co., Memphis, Tenn., alleging shipment, on or about January 22, 1919, by said defendant, in violation of the Food and Drugs Act, as amended, from the State of Tennessee into the State of Kansas, of a certain quantity of an article, labeled in part "'Chic-Okla Quality' Cotton Seed Meal or Cake," which was misbranded.

Examination of 60 sacks of the article by the Bureau of Chemistry of this department showed that the average gross weight was 96.64 pounds, and that the average net weight was 95.89 pounds.

Misbranding of the article was alleged in the information in that the statement borne on the sacks containing the article, regarding the article, to wit, "100 Lbs. Gross; 99 Lbs. Net," was false and misleading in that it represented that each of the sacks contained 99 pounds of the article, whereas, in truth and in fact, it contained less than 99 pounds of the article. Further misbranding was alleged in that the article was labeled so as to deceive and mislead the purchaser into the belief that the sacks contained 99 pounds of the article, whereas, in truth and in fact, they contained less than 99 pounds. Further misbranding was alleged in that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 6, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*